

1 JUDGE STEINBERG: Exhibit 26 is received.

2 (The document referred to,  
3 previously identified as  
4 Enforcement Bureau Exhibit No.  
5 26, was received in evidence.)

6 JUDGE STEINBERG: Exhibit 28 is received.

7 (The document referred to,  
8 previously identified as  
9 Enforcement Bureau Exhibit No.  
10 28, was received in evidence.)

11 JUDGE STEINBERG: Exhibit 29 is received.

12 (The document referred to,  
13 previously identified as  
14 Enforcement Bureau Exhibit No.  
15 29, was received in evidence.)

16 JUDGE STEINBERG: Exhibit 31 is received.

17 (The document referred to,  
18 previously identified as  
19 Enforcement Bureau Exhibit No.  
20 31, was received in evidence.)

21 JUDGE STEINBERG: Exhibit 32 is received?

22 (The document referred to,  
23 previously identified as  
24 Enforcement Bureau Exhibit No.  
25 32, was received in evidence.)

1 JUDGE STEINBERG: And Exhibit 33 was received  
2 yesterday.

3 Okay, then we will go Exhibit 34 through Exhibit  
4 49 are received.

5 (The documents referred to,  
6 previously identified as  
7 Enforcement Bureau Exhibit  
8 Nos. 34 through 49, inclusive,  
9 were received in evidence.)

10 JUDGE STEINBERG: Okay, now, Exhibit 50.

11 MR. KNOWLES-KELLETT: We have pointed out to us,  
12 Your Honor, that Exhibit 50 are the Commission's records and  
13 not those asking for official notice, not Ronald and  
14 Patricia Brasher as listed. It's the Commission's record of  
15 an assignment.

16 I'll let Mr. Romney state his objection.

17 MR. ROMNEY: Well, Your Honor, with regard to  
18 Exhibit 50, it's the same issue I that I have been raising  
19 as to some of the other official database records.

20 Page 12 through 18 of Exhibit No. 50 are certainly  
21 not for Mr. Brasher, at least we don't believe they are.  
22 This appears to be the Commission's database record.

23 Again, I raise my same objections to those that I  
24 have raised.

25 JUDGE STEINBERG: Okay. So you don't have any

1 problem with pages 1 through 12?

2 MR. ROMNEY: Pages 1 through 11.

3 JUDGE STEINBERG: Yes, I'm sorry, 1 through 11.

4 MR. ROMNEY: No, sir, I don't.

5 JUDGE STEINBERG: Okay, so 1 through 11 are  
6 received without objection.

7 (The document referred to,  
8 previously identified as  
9 Enforcement Bureau Exhibit No.  
10 50, pps. 1 through 11, was  
11 received in evidence.)

12 JUDGE STEINBERG: And Exhibit --

13 MS. LANCASTER: Twelve through 18 are the database  
14 records, Your Honor.

15 JUDGE STEINBERG: Twelve through 18, I guess, will  
16 be received over objection with the same comments that I  
17 made before.

18 (The document referred to,  
19 previously identified as  
20 Enforcement Bureau Exhibit No.  
21 50, pps. 12 - 18, was received  
22 in evidence.)

23 JUDGE STEINBERG: And for official notice  
24 purposes.

25 MR. ROMNEY: Yes.

1 JUDGE STEINBERG: So that's 12 through 13.

2 JUDGE STEINBERG: I guess we could make them 50  
3 and 58 but that doesn't make -- I mean, why bother.

4 MR. ROMNEY: Are you separating them out by  
5 numbers?

6 JUDGE STEINBERG: No, I said "Why bother." They  
7 have numbers, page numbers on them.

8 JUDGE STEINBERG: Okay, and then 51, anything  
9 between 51 and 66?

10 MS. LANCASTER: No objections that we are aware  
11 of, Your Honor.

12 JUDGE STEINBERG: Okay.

13 (Pause.)

14 MR. PEDIGO: Well, 66 came in yesterday?

15 MR. ROMNEY: Did it come in yesterday?

16 JUDGE STEINBERG: No, 66 didn't come in.

17 MR. ROMNEY: I do object to that. I apologize.

18 JUDGE STEINBERG: To 66?

19 MR. ROMNEY: Yes, sir.

20 JUDGE STEINBERG: Okay.

21 MR. ROMNEY: As to the issues pertaining to Mr.  
22 Black. I mean, that appears to be his document.

23 JUDGE STEINBERG: Sure.

24 MR. KNOWLES-KELLETT: I believe yesterday Mr.  
25 Brasher testified that everything but the handwriting on it

1 was his document, and we would ask that it be admitted  
2 without the --

3 JUDGE STEINBERG: Well, why don't we wait for Mr.  
4 Black and get the whole thing in maybe.

5 MR. ROMNEY: I don't know how you could admit a  
6 document, Your Honor, with handwriting on it and just say,  
7 "It's admitted without the handwriting."

8 MR. KNOWLES-KELLETT: We would be happy to redact  
9 it.

10 JUDGE STEINBERG: Okay, so what did I say? That  
11 was Exhibits 53 through 65 are received.

12 MR. ROMNEY: Fifty-one.

13 JUDGE STEINBERG: I'm sorry, excuse me. Let me  
14 start again.

15 Exhibits 51 through 65 are received. Thank you.

16 (The documents referred to,  
17 previously identified as  
18 Enforcement Bureau Exhibit  
19 Nos. 51 through 65, inclusive,  
20 were received in evidence.)

21 JUDGE STEINBERG: Okay, does that complete the  
22 preliminary matters?

23 MS. LANCASTER: Yes, sir. I believe so.

24 JUDGE STEINBERG: Okay, then I guess we'll turn  
25 the floor over to Ms. Lancaster.

1 (Pause.)

2 MS. LANCASTER: You all ready, Mr. Romney?

3 MR. ROMNEY: Yes, ma'am. I'm sorry.

4 JUDGE STEINBERG: No, that's okay.

5 MR. ROMNEY: Yes, sir.

6 Whereupon,

7 RONALD BRASHER

8 having previously duly sworn, was recalled as a

9 witness and was examined and testified further as follows:

10 DIRECT EXAMINATION (Resumes)

11 BY MS. LANCASTER:

12 Q Good morning, Mr. Brasher.

13 A Good morning.

14 Q I want to go back and ask you a couple of  
15 questions about topics we discussed yesterday before we move  
16 on.

17 You recall me asking you about a trunk system  
18 yesterday?

19 A Yes, ma'am.

20 Q And I asked you to define what that means, and I  
21 believe you gave me an example of how a trunk, a radio on a  
22 truck system would work.

23 Do you recall that?

24 A Yes, ma'am.

25 Q Okay. A non-truck station would be called a

1 conventional station; is that correct?

2 A That would be correct.

3 Q And I believe you stated yesterday that Jennifer's  
4 station was a conventional station?

5 A Conventional stand-alone.

6 Q Okay. How does a radio work for a conventional  
7 station?

8 A It works very similar except -- using our case or  
9 just general case?

10 Q Your case.

11 A My case is basically it's designated for a certain  
12 function of that radio, and that radio will only do what  
13 that function does, and that is for sending information to  
14 that particular radio, and that particular station, and no  
15 other station.

16 Q So as I understand it, when you have a radio  
17 that's using a trunk station, it will find an open -- the  
18 radio itself will find an open channel so that you can  
19 communicate?

20 A Correct.

21 Q On a conventional, a radio on a conventional  
22 station, is there always an open channel?

23 A No.

24 Q So if someone else is using that channel, you are  
25 unable to communicate?

1           A     Unable to get on.

2           Q     Okay. Is that what you meant -- in Exhibit 2,  
3     which is the opposition, on page 5 --

4           JUDGE STEINBERG: Let the witness get it.

5           MS. LANCASTER: Sure.

6           JUDGE STEINBERG: And look at it first, please.

7           BY MS. LANCASTER:

8           Q     I'm just pointing out that on page 5 and 6 of  
9     Exhibit 2 you acknowledge that Metroplex Two Way and DLB  
10    does operate in a trunked configuration.

11           Is that what you meant when you discussed that in  
12    the opposition?

13          A     What part of page 5?

14          Q     Page 5, the first sentence on page 5 --

15          A     Okay.

16          Q     -- states, "Some of the channels for with the  
17    operators hold licenses are operated in a trunked  
18    configuration."

19           (Witness reviews document.)

20          THE WITNESS: I think, Judy, that first page there  
21    is part of the Net Wave statement.

22          BY MS. LANCASTER:

23          Q     You think the first sentence is quoting Net Wave?

24          A     Yes, ma'am.

25          JUDGE STEINBERG: Are we on the same page there,



1 page 5?

2 MS. LANCASTER: Page 5.

3 JUDGE STEINBERG: First sentence.

4 THE WITNESS: The first sentence says, "Some of  
5 the challenge with the operation to hold a license or  
6 operated in a trunk configuration. Although Net Wave  
7 offered conclusive statement that the trunk in operation, a  
8 waiver is required."

9 Some of the stations, some of the channel -- may I  
10 go back to page 4?

11 MS. LANCASTER: Sure.

12 THE WITNESS: Look at that question there.

13 THE WITNESS: And I would -- I would take it,  
14 looking at five after looking at four, that very first  
15 sentence, "Some of the channels with operation" has to be  
16 part of the write-up from Mr. Brown.

17 MS. LANCASTER: Yes. Well, I will let the  
18 document speak for itself then because I don't agree with  
19 that analysis.

20 BY MS. LANCASTER:

21 Q But you are not --

22 JUDGE STEINBERG: You don't have to agree with  
23 what the witness says. Well, just ask your next question.  
24 I don't want you arguing with the witness.

25 MS. LANCASTER: I'm not -- I'm arguing with him.

1 I don't mean to be, Your Honor. I'll just let it speak for  
2 itself.

3 JUDGE STEINBERG: Okay.

4 THE WITNESS: Yeah.

5 BY MS. LANCASTER:

6 Q You're not contesting that you operate trunk --

7 A No.

8 Q -- configuration system.

9 MS. LANCASTER: Okay, I just wanted to point out  
10 the opposition because yesterday there was some discussion  
11 about the fact that there is no such thing, and I wanted to  
12 point out that the first thing that was filed with the  
13 Commission led a discussion of trunked operations.

14 MR. ROMNEY: Your Honor, I object to the side bar;  
15 move to strike.

16 JUDGE STEINBERG: I'm not going to pay any  
17 attention to it. I'm not going to strike it because it  
18 won't actually get stricken, so it's a waste of time to  
19 strike it.

20 BY MS. LANCASTER:

21 Q Mr. Brasher, what was your income from DLB  
22 immediately prior to your retiring from DLB? How much money  
23 did you make?

24 A I think it's approximately 60,000 a year.

25 Q Okay.

1           A     But I retired before the end of that year, and it  
2     was an approximate.

3           Q     Okay.

4           A     Judy, I'd never seen my -- everything goes to our  
5     bank account. I never see it.

6           Q     And at that time, prior to your retiring, I  
7     believe you stated you retired in 1997; is that correct?

8           A     '98.

9           Q     '98, okay.

10                Prior to retiring, did you have any other benefits  
11     that you received from DLB?

12           A     No.

13           Q     No radios?

14           A     No radios.

15           Q     No office expenses?

16           A     No. What do you mean, an office?

17           Q     Do you have an office that you got paid expenses  
18     for?

19           A     No.

20           Q     Okay.

21                JUDGE STEINBERG: How about health insurance?

22                THE WITNESS: Yes, sir. The benefits like health  
23     insurance and stuff like that.

24                JUDGE STEINBERG: Life insurance?

25                THE WITNESS: No life insurance.

1 JUDGE STEINBERG: No key man life insurance? Do  
2 you know what that is?

3 THE WITNESS: No.

4 JUDGE STEINBERG: Oh, you don't know what it is or  
5 you didn't have it?

6 THE WITNESS: I don't know what it is and I don't  
7 have it.

8 (Laughter.)

9 BY MS. LANCASTER:

10 Q Do you still have -- is life insurance still  
11 provided through DLB?

12 A We never had life insurance.

13 JUDGE STEINBERG: You mean health.

14 BY MS. LANCASTER:

15 Q Health insurance, I mean?

16 A No. No.

17 Q Okay. You get health care through social security  
18 or Medicare?

19 A Medicare, social security, and also as -- my wife  
20 has insurance as a --

21 Q As a dependent of your wife?

22 A -- dependent, right.

23 Q And she's still technically employed by DLB?

24 A Yes.

25 Q Okay. I would like to go over some of your

1 responses to the request for admissions that were sent to  
2 you by the Commission, which would be Exhibit 24, and I  
3 believe your responses are Exhibit 25.

4 A All right, ma'am.

5 Q Under Request for Admission No. 6, the Commission  
6 asked whether from June of '66 through June of '99, you  
7 maintained oversight and final authority over the day-to-day  
8 business operations of DLB.

9 You denied doing that. I'll tell you what your  
10 answer is so --

11 A Is it alright if I look?

12 Q Sure, you are welcome to look but I thought it  
13 might be more convenient for you if I told you.

14 JUDGE STEINBERG: No, I would prefer the witness  
15 look.

16 MS. LANCASTER: Okay.

17 (Witness reviews document.)

18 THE WITNESS: Yes, ma'am.

19 BY MS. LANCASTER:

20 Q Explain to me why you denied that statement.

21 A June '99, and mine stopped in '98.

22 Q Okay. So basically the question just as just  
23 asked, you weren't there in June of '99?

24 A Yes, ma'am.

25 Q Okay.

1           A     I tried to answer it the way that --

2           Q     I understand.

3                     Up until June of '1998, you basically did have  
4     final oversight and authority over the day-to-day operations  
5     though; is that correct?

6           A     Day-to-day final decision.

7                     As we had stated before, Judy, no one -- you know,  
8     if we're working there together and the decision, if  
9     something is going to happen, we discuss it, and I would say  
10    that not in every case did I have everyday day-to-day final  
11    decisions.

12          Q     You're talking about the committee?

13          A     Or the group, yes, ma'am.

14          Q     You kind of did it by committee?

15          A     Yeah. Yeah.

16          Q     Okay.

17          A     If we have a situation where, you know, something  
18    happens and how are we going to solve it, you know, a  
19    dispute amongst the employees or something like that, you  
20    know.

21          Q     Okay.

22          A     There is no really one person like myself has that  
23    final decision. The president is the only one that has the  
24    final decision. But it does -- and I don't think it said  
25    final authority over the every day decision, final

1 authority, and that may be also part why we deny that.

2 Q Okay.

3 JUDGE STEINBERG: Are you talking about the  
4 admission?

5 THE WITNESS: Number --

6 JUDGE STEINBERG: Number 6?

7 THE WITNESS: Number 6, yes, sir.

8 JUDGE STEINBERG: Okay.

9 THE WITNESS: Yeah, the dates and also the word  
10 "final authority".

11 BY MS. LANCASTER:

12 Q Number 22, Request for Admission No. 22.

13 A Yes, ma'am.

14 Q Would you explain to me why you denied that  
15 request for admission?

16 A Yes, ma'am.

17 There is one thing about what is the original  
18 application, what is what we called original application. I  
19 think you call original application when it went through and  
20 a license was obtained. And it said, "Did O. C. Brasher  
21 sign O. C.'s original application?"

22 If you are talking about the one that the license  
23 came to, I denied it.

24 Q Okay. Mr. Brasher, how would the FCC know  
25 anything about an application that it never received?

1           A     Because I -- I sent documentation in and explained  
2     it to them in some of their questions.

3           Q     When did -- you're talking about in your responses  
4     to the inquiries?

5           A     Yes, ma'am.

6           Q     Okay.

7           JUDGE STEINBERG: Can I ask a question on this?

8                 When you say or when you read, "O. C.'s original  
9     application," what did you think that was referring to?

10          THE WITNESS: The license -- actually got FCC  
11     license.

12          JUDGE STEINBERG: And that was in the application  
13     filed in 1996?

14          THE WITNESS: Yes. Yes, sir.

15          JUDGE STEINBERG: Your father was deceased in  
16     1996?

17          THE WITNESS: Yes, sir, and that's the reason --

18          JUDGE STEINBERG: So how could he possibly have  
19     signed anything in 1996?

20          THE WITNESS: It said, "O. C. Brasher did not sign  
21     original application," and that's number 22 and 23 was  
22     denied.

23          JUDGE STEINBERG: Yeah.

24          THE WITNESS: He did not sign that.

25          JUDGE STEINBERG: Well, so you denied --



1 THE WITNESS: That he signed it.

2 JUDGE STEINBERG: -- that he didn't sign it, which  
3 means that you are saying, in essence, he signed it.

4 THE WITNESS: Well, I should have said it reverse.  
5 I signed that one.

6 JUDGE STEINBERG: So you signed O. C. Brasher's  
7 name --

8 THE WITNESS: O. C. Brasher did not sign the  
9 original --

10 JUDGE STEINBERG: -- to an application -- let me  
11 finish the question.

12 You signed O. C. Brasher's name to the application  
13 filed in '96?

14 THE WITNESS: '96.

15 JUDGE STEINBERG: And that led to a license being  
16 issued to O. C. Brasher?

17 THE WITNESS: Correct. I may be missing -- O. C.  
18 Brasher did not sign the original application.

19 JUDGE STEINBERG: I mean, he couldn't have signed  
20 it because he was --

21 THE WITNESS: No, he did not.

22 JUDGE STEINBERG: Okay. But you denied --

23 THE WITNESS: Twenty-two?

24 JUDGE STEINBERG: Yes.

25 MR. ROMNEY: Your Honor, there is obviously some

1       confusion here, and if you want me to do it on my case, I'll  
2       be more than happen to do it on cross.

3               JUDGE STEINBERG:   Okay, I just wanted to --

4               MR. ROMNEY:   I just want to point out there is  
5       confusion here on the part of the witness, and there is an  
6       answer for his confusion.

7               JUDGE STEINBERG:   Okay.

8               MS. LANCASTER:   We'll come back to that, Mr.  
9       Brasher.

10              BY MS. LANCASTER:

11           Q     Look at Exhibit 19.

12           A     Exhibit 19.

13           Q     Which is the big exhibit.

14              JUDGE STEINBERG:   That's the big one.

15              (Pause.)

16              BY MS. LANCASTER:

17           Q     The very beginning of Exhibit 19 is a letter dated  
18       April 5, 1999.

19              Do you see that?   It should be the first --

20              JUDGE STEINBERG:   Right on the first page.

21              MS. LANCASTER:   The first page.

22              THE WITNESS:   Yes, sir.   Yes, ma'am.

23              BY MS. LANCASTER:

24           Q     Paragraph No. 2 of Exhibit 19, the numbered  
25       paragraph 2 --

1 JUDGE STEINBERG: Okay, so you --

2 BY MS. LANCASTER:

3 Q -- which is actually on the second page of the  
4 letter identifies the officers and directors of DLB, and in  
5 that paragraph is a description of -- lists Patricia and  
6 Diane and David and yourself; is that correct?

7 A That's correct.

8 Q And for each of you, you are listed not as only  
9 officers but also as directors; is that correct?

10 A That's what is stated here.

11 Q All right.

12 A Now, my -- my interpretation of what an officer,  
13 from being other places, officer and director is the same.  
14 But I understand that's not so.

15 Q Who prepared your corporate charter?

16 A Jim Sumpter.

17 Q Do you have a copy of the corporate charter?

18 A It was provided to FCC in one of their inquiries.

19 Q I asked if you had a copy of it.

20 A I didn't bring it with me.

21 Q No, I don't mean now. But when you were preparing  
22 the response that was submitted as Exhibit 19, you had your  
23 corporate charter available, didn't you, to look at?

24 A I'm sure we did.

25 Q Okay. Did you consult it to see whether there

1 were any directors before you prepared this response?

2 A No.

3 Q Okay. So in your mind you just thought that  
4 everybody was an officer and a director?

5 A That's correct.

6 Q Okay.

7 A What is -- you know, a director, to me, has to be  
8 an officer, and that's what my interpretation of director  
9 is.

10 Q Okay.

11 A And that may be wrong, you know.

12 Q Look at paragraph No. 4(b). The pages of this  
13 letter are not numbered, but it would be one, two, three,  
14 page 4 actually of the letter. It says, "Response, Answer 1  
15 at 2," and then it has under that (a) and (b).

16 A Can you give me a description of what the --

17 JUDGE STEINBERG: I'll find it for you. Numbered  
18 paragraph 4, little letter (b).

19 THE WITNESS: Oh, alright, I have that.

20 BY MS. LANCASTER:

21 Q Let me --

22 JUDGE STEINBERG: Let Mr. Brasher read it first.

23 MS. LANCASTER: Okay.

24 (Witness reviews document.)

25 THE WITNESS: All right.

1 BY MS. LANCASTER:

2 Q Okay. You had previously informed the FCC that in  
3 1996 you were seeking other people to use -- to put their  
4 names on license applications.

5 Do you recall doing that?

6 A Yes, ma'am.

7 Q Why were you doing that? Why did you need other  
8 people?

9 A We had in -- in our large contract customers, we  
10 had placed a four or five channel system in Dallas under my  
11 license and under Pat's license, and maybe one over in Fort  
12 Worth or so. We -- and that was under WIL999 call sign.  
13 That was the backbone of starting of our T-band systems.

14 With the new contract coming with the data and the  
15 customers needing this system that we explained earlier  
16 about, you know, the mobile data and everything else, we had  
17 applied for one channel in Allen, and we needed that  
18 basically to show how the Allen system would work, and that  
19 was O. C.'s license that we first applied that got all lost  
20 and fouled up some way.

21 That would have been at the same time that my  
22 WA999 channel were granted. In fact, they were sent in  
23 together, and they had -- it took a long time for that 999  
24 channel to ever get a license, ever get approved and sent  
25 through, and it had to go through, I think, two or three

1 times. Different difficulties in the makeup of what was  
2 submitted and what was actually issued; it had to go back  
3 and forth.

4 During that period of time, O.C. Brasher's license  
5 was in that same grouping. It got either part of it  
6 destroyed or lost in the mill. I did get some of it back.  
7 That was what I called the original license application.

8 Q Okay. But why -- why even apply for a license in  
9 O.C.'s name? Why didn't you just apply for an additional  
10 license in your own name?

11 A First, PCIA and Spectrum indicated to me that  
12 there could not be anymore multiple licenses. They had to  
13 be individual licenses.

14 Q Okay. You talked to someone at PCIA?

15 A Yes, ma'am.

16 Q And you talked to John Black?

17 A And John Black.

18 Q And your testimony is that they told you that you  
19 could not get anymore licenses in your name?

20 A Correct.

21 Q Could you get anymore licenses in Patricia's name?

22 A No.

23 Q How about David's?

24 A I never had any license under David at that time.

25 Q Okay. So you could have gotten licenses --

1 A Yes.

2 Q -- in David's name?

3 A Yes, I could have.

4 Q How about Diane, could you have gotten licenses in  
5 Diane's name?

6 A If I approached it, yes.

7 Q Okay.

8 A But I did not.

9 Q Why didn't you approach Diane?

10 A There is other reasons besides that.

11 Q Well, what are they?

12 A They get down into personal, and there was family,  
13 there was problems within the family, and I did not feel  
14 that that's the way we should do it.

15 Q Well, can you explain that more fully why you  
16 didn't approach someone in your immediate family to get  
17 these licenses?

18 A Yes, there was -- there was extremely personal  
19 things. There was problems between my son and his wife  
20 along through there.

21 Q Did you -- were your son -- were David and Diane  
22 not getting along at that time?

23 A That's part of it, yes, ma'am.

24 Q Did you expect that they were going to get  
25 divorced?

1           A     I could not anticipate that. I had hoped not, but  
2 I did not anticipate that.

3           Q     Was that a reason you did not ask Diane to be a  
4 licensee?

5           A     Yes, one of them.

6           Q     What were the other reasons?

7           A     We just never -- we just never asked her, but that  
8 was the number one reason, but I never asked her.

9           Q     If you had asked her, would she have agreed, do  
10 you think?

11          A     I do not know.

12               MR. ROMNEY: Objection; calls for speculation,  
13 Your Honor.

14               JUDGE STEINBERG: Okay, it does.

15               MS. LANCASTER: Okay, he said he didn't know  
16 anyway.

17               JUDGE STEINBERG: I didn't hear the answer.

18               BY MS. LANCASTER:

19          Q     So the reason that you applied for licenses in all  
20 of the other people's names, meaning the Sumpters' name, and  
21 Ruth's name, and O. C.'s name, was because you needed  
22 stations in Allen, Texas, and you were unable, and you  
23 thought at least you were unable to obtain additional  
24 licenses in your own name or in Patricia's name.

25               Is that a correct summary of your testimony?



1 A No, that's incorrect.

2 Q Okay. In what way is it incorrect?

3 A I did not apply for Ruth Bearden's for that  
4 reason.

5 Q Okay. Why did you apply for Ruth -- oh, because  
6 Ed Bearden had asked you. Okay.

7 MR. ROMNEY: Is that a yes?

8 JUDGE STEINBERG: The witness nodded his head yes.  
9 Is that correct?

10 THE WITNESS: Yes, sir. I'm sorry.

11 BY MS. LANCASTER:

12 Q Other than Ruth Bearden, you applied for licenses  
13 in the name of the Sumpter and Jennifer Hill and in O. C.'s  
14 name because you needed stations in Allen, Texas, to  
15 accommodate your big customer that you discussed yesterday,  
16 and you did not think that you were able to obtain licenses,  
17 additional licenses in your own name or in Patricia's name;  
18 is that correct?

19 A That's incorrect.

20 Q What's incorrect about that?

21 A O. C. Brasher license was to place one in Allen to  
22 see if we needed the frequency coverage in Allen. That was  
23 in 1995. That's the reason it was applied for in '95. And  
24 at that time O. C. Brasher lived with us. He knew what we  
25 were doing because of our conversations at different times,

1 and that was going to be the station up there in which we  
2 could see how far north we would go from that location.

3 Q When did you testify that this big customer  
4 approached you?

5 A In -- the first part of '95, I believe it was; the  
6 very first part. But the conversation might have been  
7 started way back in -- end of '94, during the Christmas time  
8 or something like that.

9 Q But you actually did not obtain the license for O.  
10 C. until 1996; is that correct?

11 A That was the one that was granted, yes.

12 Q Right. And that you obtained the license in O.  
13 C.'s name at approximately the same time you obtained the  
14 licenses in the Sumpters' name; is that correct?

15 A That's correct.

16 (Pause.)

17 JUDGE STEINBERG: So why don't you go back and re-  
18 ask your question but leave out O. C. and Ruth? You know, I  
19 mean we've --

20 MS. LANCASTER: Okay.

21 BY MS. LANCASTER:

22 Q It's my understanding or tell me if this is a  
23 correct summary of your testimony, Mr. Brasher.

24 You decided to apply for licenses in the names of  
25 the Sumpters and Jennifer Hill because you needed additional